

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

CRL.A.No. 1122 of 2003()

AGAINST THE ORDER IN CRLP.128/2003 Dated 26/06/2003
CC.485/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR
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APPELLANT: COMPLAINANT:

1. PARAMESWARAN, S/O. CHATHUNNY,
PUTHENKATTIL HOUSE, LOKAMALLESWARAM VILLAGE,
KODUNGALLUR TALUK (DIED).

2. LAL P.P. AGED 34, S/O. LATE PARAMESWARAN
PUTHENKATTIL HOUSE, LOKAMALLESWARAM VILLAGE,
KODUNGALLUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: ACCUSED:

1. SUKUMARA MENON, S/O. LEELAVATHI AMMA,
PULLOOT DESOM, ARAKAL PUTHENPURAKAL HOUSE,
PULLOOT P.O., KODUNGALLUR TALUK.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1122 of 2003(B)
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Dated this the 10th day of October, 2007

J U D G M E N T

The second appellant is the legal representative of the deceased complainant in C.C.No.485/2002 in the file of the Judicial Magistrate of the First Class, Kodungallur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 12/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

**K.R.UDAYABHANU,
Judge**

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